

of as being seventy-two years of age and a weak man easily to be imposed upon.(e) And again it is said that the grantor was upwards of eighty-four years of age; blind or nearly so, and altogether dependent on the kindness and assistance of others.(f) From all which it would appear, that by weakness is meant a sort of mental imbecility approaching to the condition of one who is actually *non compos mentis*, and analogous to childishness and dotage.(g)

The circumstances which, when taken in connexion with this weakness of mind, constitutes a foundation of fraud whereon to vacate a contract, are various.(h) Such as that of the deed never having been left for perusal; or its not being read; or its being prepared by the grantee and obtruded on the grantor; or where the gift was exorbitant; or where the party had not then the means of paying what he stipulated to pay; or where in consequence of the relation in which the parties stood towards each other, or in any way, the grantee had obtained a commanding influence, or the entire confidence of the grantor, which was used; as in the case of a wife who had used unwarrantable means to insinuate herself into the favour of an old man, and by imposing upon his weakness, had clandestinely obtained from him a conveyance of his estate;(i) or where the consideration was greatly inadequate; or where the weak man had conveyed all his property, leaving himself to be fed and clothed at the pleasure of the grantee. In all these, and many other similar cases, the weakness of mind of the party, who was not altogether *non compos mentis*, has been taken into account with the other circumstances to make up that amount of imposition and fraud which was considered as a sufficient ground for relief.(j)

This plaintiff, it appears, has until the latter years of her long life enjoyed a full share of sound well regulated mental capacity. But when this suit was instituted she had advanced beyond the

(e) *Clarkson v. Hanway*, 2 P. Will. 204.—(f) *Griffith v. Robins*, 3 Mad. 191.
 (g) *Kaimes' Pri. Eq. b. 1, p. 1, c. 1, s. 3 & c. 2*; *Bates v. Graves*, 2 Ves. jun. 289.
 (h) *Shelf. Lun. 265*.—(i) *Hervey v. Hervey*, 1 Atk. 564; *Mountain v. Bennet*, 1 Cox. 353; *Nantes v. Corrock*, 9 Ves. 183.—(j) *White v. Small*, 2 Chan. Ca. 103; *Portington v. Eglinton*, 2 Vern. 189; *Clarkson v. Hanway*, 2 P. Will. 204; *Donegal's Case*, 2 Ves. 408; *Bridgman v. Green*, 2 Ves. 627; *Bennet v. Vade*, 2 Atk. 324; *Norton v. Relly*, 2 Eden, 286; *Wright v. Proud*, 13 Ves. 136; *Huguenin v. Basely*, 14 Ves. 273; *Harvey v. Pecks*, 1 Mun. 518; *Rutherford v. Ruff*, 4 Desau. 350; *Rowland v. Sullivan*, 4 Desau. 518; *Brogden v. Walker*, 2 H. & J. 285; *Gibson v. Jeyes*, 6 Ves. 275.